

COMMITTEE REPORT

Mr. President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1788 because it conflicts with HEA 1738-2003 without properly recognizing the existence of HEA 1738-2003, has had Engrossed House Bill 1788 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed House Bill 1788 be corrected as follows:

- 1 Page 2, between lines 45 and 46, begin a new paragraph and insert:
- 2 "SECTION 4. IC 7.1-3-18.5-7, AS ADDED BY HEA 1788-2003,
- 3 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2003]: Sec. 7. (a) A person who is required to have a
- 5 certificate under this chapter and who sells or distributes tobacco
- 6 products without a valid certificate commits a Class A infraction. Each
- 7 violation of this section constitutes a separate offense.
- 8 (b) Notwithstanding IC 34-28-5-5(c), civil penalties collected under
- 9 this section must be deposited in the **Richard D. Doyle** youth tobacco
- 10 education and enforcement fund established under IC 7.1-6-2-6."
- 11 Page 17, line 13, delete "P.L.1-2001," and insert "HEA 1788-2003,
- 12 SECTION 17,".
- 13 Page 17, line 14, delete "SECTION 38,".

- 14 Page 18, between lines 24 and 25, begin a new paragraph and insert:

1 "(h) A person who violates subsection (a) at least six (6) times in
2 any six (6) month period commits habitual illegal sale of tobacco, a
3 Class B infraction."

4 Renumber all SECTIONS consecutively.

(Reference is to EHB 1788 as reprinted April 1, 2003, and to the
conference committee report for EHB 1788.)

Senator GARTON, Chairperson

Senator R. YOUNG, R.M.M.

Senator WEATHERWAX